

UNITED STATES DISTRICT COURT

DISTRICT OF MONTANA

DIVISION

ROCK CREEK ALLIANCE; et al.)	
)	
Plaintiffs,)	JUDGMENT IN A
)	CIVIL CASE
UNITED STATES FOREST SERVICE,)	Case No. CV 05-107-M-DWM
et al.)	CV 08-028-M-DWM
Defendants.)	(Consolidated)

 Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

 X **Decision by Court.** This action came before the Court for bench trial, hearing, or determination on the record. A decision has been rendered.

IT IS ORDERED AND ADJUDGED:

(1) Plaintiffs' motion for reconsideration (Doc. No. 196) is **GRANTED**. The docket should reflect that the Olimb Declaration (Doc. No. 86-3) will be considered by the Court.

(2) Plaintiffs' Clean Water Act claim (Count IV, CV 05-107-M-DWM) is **DISMISSED** for lack of subject matter jurisdiction.

(3) The parties' motions for summary judgment (Doc. Nos. 75, 78, 81, 83, and 89) are **GRANTED** in part and **DENIED** in part as follows: Plaintiffs' motion (Doc. No. 89) is **GRANTED**, and the motions filed by Revett (Doc. No. 78) and the Federal Defendants (Doc. No. 75) are **DENIED** as to the NEPA claim (Count III, CV 05-107-M-DWM) and the Organic Act claim (Count IV, CV 05-107-M-DWM). As to all other claims, the motions filed by Revett (Doc. Nos. 78 and 83) and the Federal Defendants (Doc. No. 75) are **GRANTED**, and Plaintiffs motions (Doc. Nos. 81 and 89) are **DENIED**.

(4) Plaintiffs' motion for preliminary injunction (Doc. No. 205) is **DENIED** as moot.

(5) The Forest Service's decision to approve the Rock Creek Mine Project is vacated, and the 2003 Record of Decision and 2001 Final Environmental Impact Statement are set aside and remanded to the Forest Service for further action consistent with the Court's Opinion (Doc. No. 215) filed May 4, 2010.

Dated this 5th day of May, 2010.

PATRICK E. DUFFY, CLERK

By: /s/ Coleen Hanley
Deputy Clerk